



IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

PERRION ROBERTS, AIS# 159116

*

Plaintiff,

*

v.

*

CIVIL ACTION NO. 2:05-CV-578-F

DONAL CAMPBELL, et al.,

*

Defendants.

*

AFFIDAVIT

Before me, the undersigned Notary Public, did personally appear Frank Albright, who being duly sworn deposes and makes the following statement:

My name is Frank Albright. I am an individual over the age of nineteen years and am employed by the State of Alabama, Department of Corrections, at Julia Tutwiler Prison for Women, 8966 U. S. Highway 231 North, Wetumpka, Alabama. I am employed in the capacity of Warden II. I am named a defendant in this case.

I have read the complaint in the above referenced case. I make the following statement in the defense, thereof in response to the allegations. The staff assigned to Tutwiler Prison for Women has been instructed to enforce the no smoking rules of the Alabama Department of Corrections. I have not, nor have the staff, knowingly exposed the Plaintiff to any second hand smoke. A great effort has been given by the staff to discipline all inmates who are in violation of the smoke free policy of the Alabama Department of Corrections. The staff is constantly trained to enforce Administrative Regulation 009, and Tutwiler Standard Operating Procedure 15-10 to ensure no inmate is allowed to smoke at anytime within any building occupied by the Alabama Department of Corrections. I have not violated any of inmate

Roberts' constitutional rights.

A handwritten signature in black ink that reads "Frank Albright". The signature is written over a horizontal line.

Affiant

Sworn to and subscribed before me this 19 day of July 2005.

My commission expires 06/21/2009 Ann Harrison Notary Public